IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Lambertus Johannes Vlemmings Group Art Unit: 2618
Serial No.: 10/555,270 Examiner: Akinyemi, Ajibola A.
Filed: November 1, 2005 Confirmation No.: 5108
For: MULTISTAGE FREQUENCY CONVERSION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir/Madam:

In the Office Action dated July 9, 2009, the Examiner has required a restriction to one of the following inventions:

Group I: Claims 1, 2 and 8-12, drawn to a receiver, classified in class 455, subclass 323;

Group II: Claim 3, drawn to a transmitter, classified in class 455, subclass 73; and

Group III: Claims 4-7, drawn to a transceiver, classified in class 455, subclass 91.

In particular, the Examiner has required a restriction between subcombinations usable together, as explained in MPEP 806.05(d). However, chapter 800 of the MPEP is not applicable to the current application, which is an application entering the National Stage under 35 U.S.C. 371. MPEP 801 states the following:

> "This chapter is **limited to** a discussion of the subject of restriction and double patenting under Title 35 of the United States Code and Title 37 of the Code of Federal Regulations as it relates to national applications filed under 35 U.S.C. 111(a). The discussion of unity of invention under the Patent Cooperation Treaty Articles and Rules as it is applied as an International Searching Authority, International Preliminary Examining Authority, and in

applications entering the National Stage under 35 U.S.C. 371 as a Designated or Elected Office in the U.S. Patent and Trademark Office is covered in Chapter 1800" (emphasis added).

Thus, the reasons for the restriction requirement, as set forth by the Examiner, are not applicable to the current application.

Applicant respectfully submits that there is unity of invention for the current application. For some guidance, Applicant has reviewed the International Search Report (ISR), the International Preliminary Report on Patentability (IPRP), and the Written Opinion (WO) for Application No. PCT/IB04/050552 (Pub. No. WO 2004/100355 A1, published on November 18, 2004), which corresponds to this national application. The ISR, the IPRP, and the WO note no issues with respect to a "Lack of Unity of Invention" in original claims 1-8. Therefore, the review made by WIPO regarding Applicant's invention showed no need to parse out original claims 1-8 and found no undue burden in performing a search on all of the claims. Thus, Applicant respectfully submits that there is no need to parse out pending claims 1-12 and that there is no undue burden in performing a search on all of the pending claims 1-12.

In light of the arguments presented, Applicant requests that the Examination of claims 1-12 as a whole, continue. Thus, Applicant provisionally elects with traverse Group I for prosecution. Claims 1, 2 and 8-12 are readable on the elected Group I.

Applicant respectfully suggests that the pending claims 1-12 in the patent application are distinct over the prior art and that the application is in condition for allowance. Accordingly, a notice of allowance is earnestly solicited.

Respectfully submitted,
Marc Lambertus Johannes Vlemmings

Date: August 6, 2009

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300